



**4910-13**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

**Docket No. FAA-2011-1193; Airspace Docket No. 11-ANM-14**

**Proposed Modification of Area Navigation Route T-288; WY**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to modify low altitude area navigation (RNAV) route T-288 by extending the route westward from the Rapid City, SD, VORTAC to the Gillette, WY, VOR/DME. The proposed extension would enhance efficiency and safety of the National Airspace System (NAS) by supplementing the existing VOR Federal airway structure in that area.

**DATES:** Comments must be received on or before [insert date 45 days from date of publication in the FEDERAL REGISTER].

**ADDRESSES:** Send comments on this proposal to the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M-30, 1200 New Jersey Avenue S.E., West Building Ground Floor, Room W12-140, Washington, D.C. 20590-0001; telephone: (202) 366-9826. You must identify FAA Docket No. FAA-2011-1193 and Airspace Docket No. 11-ANM-14 at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Paul Gallant, Airspace, Regulations and ATC Procedures Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA-2011-1193 and Airspace Docket No. 11-ANM-14) and be submitted in triplicate to the Docket Management Facility (see “ADDRESSES” section for address and phone number). You may also submit comments through the Internet at <http://www.regulations.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: “Comments to FAA Docket No. FAA-2011-1193 and Airspace Docket No. 11-ANM-14.” The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report

summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

### **Availability of NPRM's**

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's web page at <http://www.faa.gov>, or the Federal Register's web page at <http://www.gpoaccess.gov/fr/index.html>.

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see "ADDRESSES" section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Western Service Center, Federal Aviation Administration, 1601 Lind Ave., SW, Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267-9677, for a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

### **The Proposal**

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to modify RNAV route T-288 by adding a new segment between the Rapid City, SD VORTAC and the Gillette, WY VOR/DME. The modification would enhance the efficiency and safety of the NAS by supplementing the existing VOR Federal airway structure and providing alternative routing in the event of navigation aid (NAVAID) outages. The minimum IFR altitude in the area varies between 7,000 feet MSL and 9,300 feet MSL; however, the radar coverage in

that area is not reliable below 12,000 feet MSL to 13,000 feet MSL. When NAVAID outages occur, due to the existing route and NAVAID structure, it is difficult to route aircraft between the Gillette VOR/DME and the Rapid City VORTAC. In this situation, aircraft flying at lower altitudes must climb up to be within radar coverage in order to get a more direct route to/from the VOR/DME and VORTAC. This is especially important during winter months because pilots encountering icing conditions at the higher altitudes need to descend, but are then lost from radar coverage. The proposed T-288 modification would alleviate this situation as well as enhance the NAS efficiency by adding an RNAV route option.

Low altitude RNAV routes are published in paragraph 6011 of FAA Order 7400.9V, dated August 9, 2011 and effective September 15, 2011, which is incorporated by reference in 14 CFR 71.1. The RNAV route listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it expands RNAV route coverage to enhance the safe and efficient flow of traffic in the western United States.

### **Environmental Review**

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures," paragraph 311a and 311b. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

### **List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

### **The Proposed Amendment**

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

### **PART 71--DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

## §71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9V, Airspace Designations and Reporting Points, dated August 9, 2011 and effective September 15, 2011, is amended as follows:

### Paragraph 6011--United States Area Navigation Routes

\* \* \* \* \*

#### T-288 Gillette, WY (GCC) to Wolbach, NE (OBH) [Amended]

Gillette, WY (GCC)	VOR/DME	(lat. 44°20'52"N., long. 105°32'37"W.)
KARAS,	INT	(lat. 44°16'23"N., long. 104°18'50"W.)
Rapid City, SD (RAP)	VORTAC	(lat. 43°58'34"N., long.
103°00'44"W)		
WNDED, SD	WP	(lat. 43°19'14"N., long. 101°32'19"W.)
Valentine, NE (VTN)	NDB	(lat. 42°51'42"N., long. 100°32'59"W.)
Ainsworth, NE (ANW)	VOR/DME	(lat. 42°34'09"N., long. 99°59'23"W.)
FESNT, NE	WP	(lat. 42°03'57"N., long. 99°17'18"W.)
Wolbach, NE (OBH)	VORTAC	(lat. 41°22'33"N., long. 98°21'13"W.)

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Issued in Washington, DC, on November 29, 2011.

Gary A. Norek  
Acting Manager, Airspace, Regulations and ATC Procedures Group

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